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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,671	06/24/2003	Atsushi Funaki	239269US0	8440

22850 7590 07/15/2004

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EXAMINER

CHOI, LING SIU

ART UNIT PAPER NUMBER

1713

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/601,671	FUNAKI ET AL.	
	Examiner	Art Unit	
	Ling-Siu Choi	1713	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

1. Claims 1-11 are now pending, wherein claims 1-2 and 6-11 are drawn to a fluoropolymer and claims 3-5 are drawn to an article.

***Claim Rejections - 35 USC § 102***

2. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by E.I. Du Pont De Nemours and Company (GB 1,072,615).

The present invention relates to a **fluorocopolymer** comprising

(a)	polymerized unit based on <b>tetrafluoroethylene</b> and/or <b>chlorotrifluoroethylene</b>
(b)	polymerized unit based on a <b>fluorinated monomer</b> (excluding tetrafluoroethylene and chlorotrifluoroethylene)
(c)	polymerized units based on at least one member [ <b>itaconic acid, itaconic anhydride, citraconic acid, citraconic anhydride</b> ]
wherein (a) = 50-99.8 mol %; (b) = 0.1 - 49.99 mol %; (c) = 0.01-5 mol %, based on (a)+(b)+(c)	
a volume flow rate = 0.1-1,000 mm <sup>3</sup> /sec	

(summary of claim 1)

E.I. Du Pont De Nemours and Company (Du Pont) disclose a moldable organic composition consisting essentially of (1) 60-80% by volume of a thermoplastic organic polymer of a monomer mixture consisting essentially of (a) 10-95 wt% of one or more ethylenically unsaturated fluorocarbon monomers and (b) 90-5 wt% of one or more ethylenically unsaturated hydrocarbon monomer having less than nine carbon atoms and (2) 20-40 % by volume of inorganic particulate solids, wherein the fluorocarbon monomer is preferred to be a mixture of **tetrafluoroethylene** / vinylidene fluoride or **tetrafluoroethylene** / **chlorotrifluoroethylene** / vinylidene fluoride; the ethylenically unsaturated hydrocarbon monomer can be ethylene (page 2, lines 6-35 and lines 56-59; claim 1). Du Pont further discloses the composition optionally comprises an acidic monomer which can be itaconic acid (page 2, lines 60-65; lines 66-69; and lines 110-111). Du Pont furthermore disclose that the composition has a flow rate of less than about 100 at 295°C/2160g (page 3, lines 80-90). Thus, the present claims are anticipated by the disclosure of Du Pont.

### ***Conclusion***

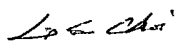
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reach on 571-272-1114.

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Ling -Siu Choi

July 7, 2004